

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUICKEN LOANS INC., a Michigan  
corporation,

Plaintiff,

v.

PRESTON DuFAUCHARD, in his  
capacity as Commissioner of the  
California Department of  
Corporations,

Defendant.

2:03-cv-256-GEB-JFM

AMENDED ORDER

This order amends and supercedes the order filed in this  
action on January 10, 2007.<sup>1</sup>

On May 22, 2006, the Ninth Circuit issued an opinion  
vacating in part, affirming in part, and remanding, the judgment that  
was entered in this action on May 13, 2004. See Quicken Loans, Inc.  
v. Wood, 449 F.3d 944 (9th Cir. 2006).

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<sup>1</sup> This order moots Defendant's motion filed January 23, 2007,  
since it grants the relief Defendant seeks in that motion.

1 As to Count I of Plaintiff's First Amended Complaint, the  
2 Circuit found that California's per diem loan interest statutes are  
3 not preempted by the Depository Institutions Deregulation and Monetary  
4 Control Act (DIDMCA), and therefore vacated the judgment entered for  
5 Plaintiff by the Clerk of the Court on May 13, 2004. Id. at 947, 948,  
6 954. In accordance with the Circuit's opinion, Count I is dismissed.  
7 The Clerk of the Court shall enter judgment for Defendant on Count I.

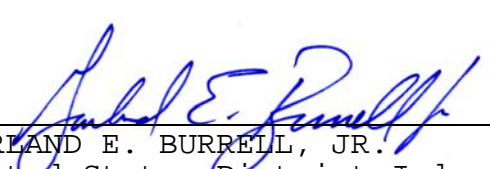
8 As to Count II of the First Amended Complaint, the Circuit  
9 affirmed this Court's finding that California's per diem loan interest  
10 statutes "are not preempted by the [Alternative Mortgage Transaction]  
11 Parity Act." Id. at 947, 953, 954. Judgment was entered for  
12 Defendant on Count II on May 13, 2004.

13 As to Count III of the First Amended Complaint, the Circuit  
14 affirmed this Court's "dismissal of Plaintiff's as-applied federal  
15 takings claim for ripeness and [held] that any facial claim was  
16 waived." Id. at 947, 953, 954. The dismissal of Count III is without  
17 prejudice. Since judgment has not yet been entered for Defendant on  
18 Count III, the Clerk of the Court shall enter judgment for Defendant  
19 on Count III.

20 The Clerk of the Court is further directed to close this  
21 case.

22 IT IS SO ORDERED.

23 Dated: January 24, 2007

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26 GARLAND E. BURRELL, JR.  
27 United States District Judge  
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